Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YOUNG-JUN KIM and SEONG-DONG KIM

Appeal No. 2002-0857
Application No. 09/219,876

HEARD: JANUARY 23, 2003

Before THOMAS, KRASS and GROSS, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-11.

The invention pertains to screen savers. Whereas the conventional screen saver will block the display on a computer system if there is no activity for a predetermined period of time, one of its advantages being to block usage of the computer by unauthorized users where a password is required to exit the

screen saver, the instant invention preserves this advantage but also permits unauthorized users to leave messages at the computer site for authorized users. Thus, there is a message input portion which permits an unauthorized user of the system to use the keyboard to enter a message for an authorized user.

Representative independent claim 1 is reproduced as follows:

1. A method of managing a message on a computer having a screen, comprising the steps of:

continuously monitoring the computer screen;

if no change in the data displayed on the computer screen is detected for a predetermined amount of time, then displaying a screen saver image on said computer screen;

when the computer screen displays said screen saver image and when input is detected from an input device, displaying a first input window on the computer screen;

when said first input window is displayed, if a first particular input is detected, displaying a message input window, then storing message data input while the message input window is displayed, then displaying said screen saver image; and

when said first input window is displayed, if a second particular input is detected, then displaying said stored message data.

The examiner relies on the following references:

Franklin et al. [Franklin] 5,852,436 Dec. 22, 1998
[effective filing date Jun. 30, 1994]

Atick et al. [Atick] 6,111,517 Aug. 29, 2000
[filed Dec. 30, 1996]

Claims 1-4, 7, 8 and 11 stand rejected under 35 U.S.C. 102(e) as anticipated by Franklin.

Claims 5, 6, 9 and 10 stand rejected under 35 U.S.C. 103 as unpatentable over Franklin in view of Atick.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

OPINION

Under 35 U.S.C. 102, a reference must disclose, explicitly or implicitly, every limitation of the claimed invention. Glaxo Inc. v. Novopharm Ltd., 52 F.3d 1043, 1047, 34 USPQ2d 1565, 1567 (Fed. Cir.), cert. Denied, 516 U.S. 988 (1995).

Franklin discloses a system having a "notes facility" for receiving notes while a computer system is in a screen saver mode.

Taking independent claim 1 as exemplary, Franklin clearly discloses a method for managing a message on a computer screen wherein the screen is continuously monitored and, if no change in the data displayed on the computer screen is detected for a

predetermined amount of time, a screen saver image is displayed on the computer screen. This is merely a recitation of the operation of a conventional screen saver.

While the screen saver image is displayed and a visiting party hits the "enter" key, a note-taker user interface is displayed [Franklin, column 8, lines 35-40]. This note-taker user interface is a "first input window." Thus, Franklin discloses "when the computer screen displays said screen saver image and when input is detected from an input device, displaying a first input window on the computer screen," as claimed.

However, if such is the interpretation, then Franklin would not disclose "when said first input window is displayed, if a first particular input is detected, displaying a message input window, then storing message data input while the message input window is displayed, then displaying said screen saver image" because the message input window of Franklin, ostensibly client area 116, is already part of note-taker user interface 110 and would not be displayed "when said first input window is displayed, if a first particular input is detected..."

It is the examiner's view that Franklin's password dialog window is the "first input window." This is a reasonable interpretation since a user or a visitor moving a mouse or

touching a key other than the "enter" key, while the screen saver is displayed, will cause a password dialog box to appear on the screen. Thus, this password dialog box may be considered a display of "a first input window on the computer screen."

Moving on with the instant claim language, the examiner contends that when this password dialog box, or "first input window," is displayed, Franklin discloses that "if a first particular input is detected, displaying a message input window..." because client area 116 is equivalent to the claimed "message input window." The client area 116, or the entire note-taker user interface 110, may be considered a "message input window." However, in order to meet the explicit claim language, interface 110 or area 116 must be displayed "if a first particular input is detected" while the first input window (i.e., the password dialog box) is displayed.

Franklin discloses that the note-taker user interface is displayed if a visitor hits the "enter" key while the screen saver is being displayed. The question is whether the hitting of the "enter" key while the password dialog box is open and the screen saver is displayed will cause the note-taker user interface to be displayed. If so, then the claim language would be met. If not, the claim language would not be met because the

detection of the first particular input (i.e., hitting the "enter" key) may cause the display of the note-taker user interface but the display of the note-taker user interface would not be while the "first input window" is displayed, as required by the claim.

Franklin is silent on this matter. It may very well be that, since a moving marquis display is on the screen when a hit of the "enter" key will open up the note-taker user interface, hitting the "enter" key when other things are displayed, e.g., the password dialog, will also open the note-taker user interface. But we simply do not know from Franklin's disclosure. It may just as well be that hitting the "enter" key after a password dialog is displayed merely enters the typed password for authentication, rather than opening the note-taker user interface. The fact is we would need to speculate in order to find that the claimed subject matter is anticipated by Franklin. A rejection under 35 U.S.C. 102 cannot be predicated on speculation.

Accordingly, we will not sustain the rejection of claim 1, or of claims 2-6 dependent thereon, under 35 U.S.C. 102(e).

Since independent claims 7 and 11 contain a similar recitation regarding displaying a message input window, we also

will not sustain the rejection of these claims or claim 8 under 35 U.S.C. 102(e). In the case of claim 11, rather than specifically reciting the display of a message input window if a first particular input is detected when said first input window is displayed, the claim calls for displaying a first input window when the screen saver image is displayed *and* when input is detected from an input device. While this recitation, alone, may be met by the simple display of a password dialog box in a conventional screen saver technique, claim 11 goes on to require a password inputting module to display a message input window if a first particular input is detected, a message inputting module for storing message data input while the message input window is displayed and a message outputting module for displaying the stored message data when the first input window is displayed if a second particular input is detected. It is unclear how the examiner is attempting to read Franklin to provide for this message outputting module and first and second "particular inputs." If Franklin's password dialog box is the claimed "first input window" and Franklin's note-take user interface or client area is the claimed "message input window," there is nothing in Franklin that would suggest that the stored message data may be

displayed when the password dialog box is displayed and subject to a second particular input being detected.

Since Atick does not remedy the deficiency of Franklin, Atick being applied for a teaching of image recognition software, we also will not sustain the rejection of claims 5, 6, 9 and 10 under 35 U.S.C. 103.

The examiner's decision is reversed.

REVERSED

JAMES D. THOMAS Administrative Patent Judge	)	
ERROL A. KRASS Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
ANITA PELLMAN GROSS Administrative Patent Judge	)	

EK/RWK

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